

CITY OF SPOKANE



NOTICE

REGARDING CITY COUNCIL MEETINGS

Notice is hereby given that, pursuant to Governor Jay Inslee's Ninth Updated Proclamation 20-28.9, dated September 2, 2020, all public meetings subject to the Open Public Meetings Act, Chapter 42.30 RCW, are to be held remotely and that the in-person attendance requirement in RCW 42.30.030 has been suspended until at least through October 1, 2020.

Temporarily and until further notice, the public's ability to attend City Council meetings is by remote access only. In-person attendance is not permitted at this time. The public is encouraged to tune in to the meeting as noted below.

Public comment will be taken virtually on legislative items during the 6:00 p.m. Legislative Session on **September 28, 2020**. Open Forum will not be held and all testimony must be related to the legislative items on the agenda.

The regularly scheduled Spokane City Council 3:30 p.m. Briefing Session and 6:00 p.m. Legislative Session will be held virtually and streamed live online and airing on City Cable 5. Some members of the City Council and City staff will be attending virtually. The public is encouraged to tune in to the meeting live on Channel 5, at <https://my.spokanecity.org/citycable5/live>, or by calling **1-408-418-9388** and entering the access code **966 942 097** for the 3:30 p.m. Briefing Session or **146 560 7222** for the 6:00 p.m. Legislative Session when prompted; meeting password is **0320**.

To participate in virtual public comment:

Sign up to give testimony at <https://forms.gle/RtcIKb2tju6322BB7>. You must sign up in order to be called on to testify. The form will be **open at 5:00 p.m. on Monday, September 28, 2020, and will close at 6:00 p.m.** At 6:00 p.m., you will call in to the meeting using the information above. When it is your turn to testify, Council President will call your name and direct you to hit *3 on your phone to ask to be unmuted. The system will alert you when you have been unmuted and you can begin giving your testimony. When you are done, you will need to hit *3 again.

**CITY COUNCIL MEETINGS
RULES – PUBLIC DECORUM**

Strict adherence to the following rules of decorum by the public will be observed and adhered to during City Council meetings, including open forum, public comment period on legislative items, and Council deliberations:

- 1. No Clapping!**
- 2. No Cheering!**
- 3. No Booing!**
- 4. No public outbursts!**
- 5. Three-minute time limit for comments made during open forum and public testimony on legislative items!**
- 6. No person shall be permitted to speak at the first open forum more often than once per calendar month.**

In addition, please silence your cell phones when entering the Council Chambers!

Further, keep the following City Council Rules in mind:

Rule 2.2 OPEN FORUM

- D. The open forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items not currently on the current or advance Council agendas. No person shall be permitted to speak in open forum regarding items on the current or advance agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.
- E. To encourage wider participation in open forum and a broad array of public comment and varied points of view from residents of the City of Spokane, no person shall be permitted to speak at the first open forum more often than once per calendar month. Any person may speak at the second open forum if they have not yet spoken in that meeting's first open forum or concerning any agenda item at that day's meeting, unless the meeting is that person's first address at open forum in that month.. There is no limit on the number of regular legislative agenda items on which a member of the public may testify, such as legislative items, special consideration items, hearing items, and other items before the City Council and requiring Council action that are not adjudicatory or administrative in nature, as specified in Rules 5.3 and 5.4.

Rule 2.7 SERVICE ANIMALS AT CITY COUNCIL MEETINGS

- B. Service animals must, at all times while present in a City Council meeting, be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices, in which case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Rule 5.3 PARTICIPATION OF MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS

- A. Members of the public may address the Council regarding items on the Council's legislative agenda, special consideration items, hearing items, and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature. This rule shall not limit the public's right to speak during the open forum.
- B. No member of the public may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition. In order for a Council member to be recognized by the Chair for the purpose of obtaining the floor, the Council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.
- C. Each person speaking at the public microphone shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.
- E. In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language, or personal insults will be permitted.
- F. A speaker asserting a statement of fact may be asked to document and identify the sources of the factual datum being asserted.

- G. When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.
- H. When any person, including members of the public, City staff, and others, are addressing the Council, Council members shall observe the same decorum and process, as the rules require among the members inter se. That is, a Council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted the floor by the Council President. All persons and/or Council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in Robert's Rules of Order, newly revised, shall extend to all speakers before the City Council. The City Council Policy Advisor and/or City Attorney shall, with the assistance of Council staff, assist the Council President to ensure that all individuals desiring to speak shall be identified, appropriately recognized, and provided the opportunity to speak.

Rule 5.4 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. The City Council shall take public testimony on all matters included on its legislative agenda, with those exceptions stated in Rule 5.4(B). Public testimony shall be limited to the final Council action. Public testimony shall be limited to three (3) minutes per speaker, unless, at their discretion, the Chair determines that, because of the number of speakers signed up to testify, less time will be needed for each speaker in order to accommodate all speakers. The Chair may allow additional time if the speaker is asked to respond to questions from the Council.
- B. No public testimony shall be taken on items on the Council's consent agenda, amendments to legislative agenda items, or procedural, parliamentary, or administrative matters of the Council, including amendments to these Rules.
- C. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented:
 - 1. Following an assessment by the Chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the Chair shall, in the absence of objection by the majority of the Council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
 - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
 - b. The designated representative of the proponents of the issue shall speak first and may include within their presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes shall be granted for the proponent's presentation. If there be more than one designated representative, they shall allocate the allotted time between or among themselves.
 - c. Following the presentation of the proponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the proponents who wishes to speak on behalf of the proponent's position.
 - d. The designated representative, if any, of the opponents of the issue shall speak following the presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same amount of time which was allotted to the proponents.
 - e. Following the presentation by the opponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the opponents who wishes to speak on behalf of the opponents' position.
 - f. Up to ten (10) minutes of rebuttal time shall be granted to the designated
 - 2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the Chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three (3) minutes to present their position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
 - 3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the Chair may grant the same procedural and time allowances to each group or groups, as stated previously.
- D. The time taken for staff or Council member questions and responses there to shall be in addition to the time allotted for any individual or designated representative's testimony.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, SEPTEMBER 28, 2020

MISSION STATEMENT

TO DELIVER EFFICIENT AND EFFECTIVE SERVICES
THAT FACILITATE ECONOMIC OPPORTUNITY
AND ENHANCE QUALITY OF LIFE.

MAYOR NADINE WOODWARD

COUNCIL PRESIDENT BREEAN BEGGS

COUNCIL MEMBER KATE BURKE

COUNCIL MEMBER LORI KINNEAR

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER BETSY WILKERSON

CITY COUNCIL CHAMBERS
CITY HALL

808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201

CITY COUNCIL BRIEFING SESSION

Council will adopt the Administrative Session Consent Agenda after they have had appropriate discussion. Items may be moved to the 6:00 p.m. Legislative Session for formal consideration by the Council at the request of any Council Member.

SPOKANE CITY COUNCIL BRIEFING SESSIONS (BEGINNING AT 3:30 P.M. EACH MONDAY) AND LEGISLATIVE SESSIONS (BEGINNING AT 6:00 P.M. EACH MONDAY) ARE BROADCAST LIVE ON CITY CABLE CHANNEL FIVE AND STREAMED LIVE ON THE CHANNEL FIVE WEBSITE. THE SESSIONS ARE REPLAYED ON CHANNEL FIVE ON THURSDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel.

ADDRESSING THE COUNCIL

- No member of the public may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition.
- Each person speaking at the public microphone shall verbally identify themselves by name, city of residency and, if appropriate, representative capacity.
- If you are submitting letters or documents to the Council Members, please provide a minimum of ten copies via the City Clerk. The City Clerk is responsible for officially filing and distributing your submittal.
- In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language or personal insults will be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

SPEAKING TIME LIMITS: Unless deemed otherwise by the Chair, each person addressing the Council shall be limited to a three-minute speaking time.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings by accessing the City website at www.spokanecity.org.

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Roll Call of Council

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION**CONSENT AGENDA****REPORTS, CONTRACTS AND CLAIMS****RECOMMENDATION**

- | | | |
|---|------------------------|---------------|
| 1. Contract Amendment with Special Counsel Brian T. Grogan and Moss & Barnett, P.A. (Minneapolis, MN) for legal services and advice in regards to the Comcast Franchise renewal—\$20,000. Total Contract Amount: \$247,500.
Mike Ormsby | Approve | OPR 2014-0117 |
| 2. Permit Agreement allowing a grant recipient neighborhood council to demonstrate site control for purposes of a state Department of Commerce grant for public art in a roundabout.
Council Member Mumm | Approve | OPR 2020-0724 |
| 3. Report of the Mayor of pending: | Approve &
Authorize | |
| a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2020, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | Payments | CPR 2020-0002 |
| b. Payroll claims of previously approved obligations through_____, 2020: \$_____. | | CPR 2020-0003 |
| 4. City Council Meeting Minutes: _____, 2020. | Approve
All | CPR 2020-0013 |

EXECUTIVE SESSION

(Closed Session of Council)

(Executive Session may be held or reconvened during the 6:00 p.m. Legislative Session)

CITY COUNCIL SESSION

(May be held or reconvened following the 3:30 p.m. Administrative Session)

(Council Briefing Center)

This session may be held for the purpose of City Council meeting with Mayoral nominees to Boards and/or Commissions. The session is open to the public.

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

NO BOARDS AND COMMISSIONS APPOINTMENTS

ADMINISTRATIVE REPORT

COUNCIL COMMITTEE REPORTS

(Committee Reports for Finance, Neighborhoods, Public Safety, Public Works, and Planning/Community and Economic Development Committees and other Boards and Commissions)

OPEN FORUM – WILL NOT BE HELD

LEGISLATIVE AGENDA

NO SPECIAL BUDGET ORDINANCES

NO EMERGENCY ORDINANCES**RESOLUTIONS & FINAL READING ORDINANCES**(Require Four Affirmative, Recorded Roll Call Votes)

RES 2020-0069 Setting the Assessment Roll Hearing before the City Council for the Downtown Parking and Business Improvement Area (Business Improvement District – BID) for December 7, 2020, and providing notice of the 2021 Assessments to Business and Property Owners.

Chris Green

RES 2020-0070 Setting the Assessment Roll Hearing before the City Council for the East Sprague Parking and Business Improvement Area (Business Improvement District – BID) for December 7, 2020, and providing notice of the 2021 Assessments to Business and Property Owners.

Chris Green**FIRST READING ORDINANCES**

(No Public Testimony Will Be Taken)

ORD C35947 (To be considered under Hearings Item H1.b.)

FURTHER ACTION DEFERRED**NO SPECIAL CONSIDERATIONS****HEARINGS**

(If there are items listed you wish to speak on, please sign your name on the sign-up sheets in the Chase Gallery.)

RECOMMENDATION

- | | | |
|--|---|----------------------------------|
| <p>H1. a. Hearing on the vacation of the alley between Bismark Avenue and Central Avenue, from the east line of Sycamore Street to the west line of Julia Street, as requested by Thomas Kosteletzky.</p> <p>b. First Reading Ordinance C35947 vacating the alley between Bismark Avenue and Central Avenue, from the east line of Sycamore Street to the west line of Julia Street.</p> | <p>Approve
Subject to
Conditions</p> <p>Further
Action
Deferred</p> | <p></p> <p>ORD C35947</p> |
|--|---|----------------------------------|

Eldon Brown

Motion to Approve Advance Agenda for September 28, 2020
(per Council Rule 2.1.2)

OPEN FORUM – WILL NOT BE HELD

ADJOURNMENT

The September 28, 2020, Regular Legislative Session of the City Council is adjourned to October 5, 2020.

NOTES



Agenda Sheet for City Council Meeting of:
09/28/2020

Date Rec'd	9/16/2020
Clerk's File #	OPR 2014-0117
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	CR21954

Submitting Dept	CITY ATTORNEY
Contact Name/Phone	MIKE ORMSBY 6287
Contact E-Mail	MORMSBY@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0500 SPECIAL COUNSEL CONTRACT AMENDMENT

Agenda Wording

The City entered into contract with Moss & Barnett to provide legal services and advice in regards to the Comcast Franchise renewal. The total amount under the original contract, all previous amendments and this Amendment is \$247,500.

Summary (Background)

The City is in the process of renewing its cable franchise with Comcast. Additional funds are necessary to complete the Comcast renewal.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	
Expense \$ 20,000.00		# 0020-88100-18900-54105
Select \$		#
Select \$		#
Select \$		#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	PICCOLO, MIKE	<u>Study Session\Other</u> 9/21/20
<u>Division Director</u>		<u>Council Sponsor</u> Council President Beggs
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	brian.grogan@lawmoss.com
<u>For the Mayor</u>	ORMSBY, MICHAEL	tszambelan@spokanecity.org
<u>Additional Approvals</u>		sdhansen@spokanecity.org
<u>Purchasing</u>		aduffey@spokanecity.org



Expenditure Control Form

1. All requests being made must be accompanied by this form.
2. Route **ALL** requests to the Finance Department for signature.
3. If request is greater than \$100,000 it requires signatures by Finance and the City Administrator. Finance Dept. will route to City Administrator.

Today's Date:

Type of expenditure:

Goods

Services

Department:

Approving Supervisor:

Amount of Proposed Expenditure:

Funding Source:

Please verify correct funding sources. Please indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

What are the impacts if expenses are deferred?

What alternative resources have been considered?

Description of the goods or service and any additional information?

Person Submitting Form/Contact:

FINANCE SIGNATURE:

Tonya Wallace

CITY ADMINISTRATOR SIGNATURE:

[Signature]



City of Spokane
CONTRACT AMENDMENT
SPECIAL COUNSEL

THIS CONTRACT AMENDMENT is between the **CITY OF SPOKANE**, a Washington State municipal corporation, as ("City"), and **BRIAN T. GROGAN** and the law firm of **MOSS & BARNETT, P.A.**, whose address is 4800 Wells Fargo Center, 90 South Street, Minneapolis, Minnesota 55402, as ("Firm"), individually hereafter referenced as a "party" and together as the "parties".

WHEREAS, the parties entered into a Contract wherein the Firm agreed to act as **OUTSIDE COUNSEL** providing legal services and advice to the City in regards to the Comcast Franchise renewal; and

WHEREAS, additional funds are necessary for the Firm to negotiate a cable franchise renewal for the City;

-- Now, Therefore,

The parties agree as follows:

1. CONTRACT DOCUMENTS.

The original Contract executed by the parties on February 3, 2014 and February 13, 2014, any previous amendments and/or extensions/renewals thereto are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Amendment shall become effective on August 1, 2020.

3. COMPENSATION.

The City shall pay a maximum of **TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00)** for everything furnished and done under this Contract Amendment. The total amount under the original contract, all previous amendments and this Amendment is **TWO HUNDRED FORTY SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$247,500.00)**.

MOSS & BARNETT, P.A.

By _____
Signature Date

Type or Print Name

Title

Attest:

City Clerk

CITY OF SPOKANE

By _____
Signature Date

Type or Print Name

Title

Approved as to form:

Assistant City Attorney

20-155

**Agenda Sheet for City Council Meeting of:**

09/28/2020

Date Rec'd

9/10/2020

Clerk's File #

OPR 2020-0724

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

CANDACE MUMM 625-6256

Project #**Contact E-Mail**

CMUMM@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #**Agenda Item Name**

0320 - PERMIT FOR PUBLIC ART INSTALLATION AT FIVE MILE RD. & STRONG RD.

Agenda Wording

A permit agreement allowing a grant recipient neighborhood council to demonstrate site control for purposes of a state Department of Commerce grant for public art in a roundabout.

Summary (Background)

The Washington Department of Commerce awarded a \$24,250 grant to the Five Mile Prairie Neighborhood Council for the installation of a public art project at the roundabout which is at the intersection of Five Mile Road and Strong Road. In order to implement the grant award, the neighborhood council needs to establish control of the site. This permit agreement allows that site control to the level required to install the work and obtain funds from the Commerce grant.

Fiscal Impact

Grant related? NO

Public Works? YES

Budget Account

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

MCCLATCHEY, BRIAN

Study Session\Other

Finance Comm, 8/17/20

Division Director**Council Sponsor**

CM Mumm

Finance

BUSTOS, KIM

Distribution List**Legal**

PICCOLO, MIKE

For the Mayor

ORMSBY, MICHAEL

Additional Approvals**Purchasing**

Briefing Paper

Finance Committee

Division & Department:	Council Office
Subject:	Five Mile Prairie Neighborhood Council Public Art Project Permit and License for Right of Way encroachment (Five Mile and Strong Road Round-about)
Date:	8/17/2020
Contact (email & phone):	Kandace Watkins kwatkins@spokanecity.org/6718
City Council Sponsor:	Candace Mumm ✓
Executive Sponsor:	
Committee(s) Impacted:	PIES
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Neighborhood Council mission
Strategic Initiative:	Sustainable Resources
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Building and enhancing community through exceptional public art by embracing diversity and heritage of the area and reflecting the natural beauty of the surrounding land.
<u>Background/History:</u> <ul style="list-style-type: none"> The Five Mile Prairie Neighborhood Council was awarded a Washington State Department of Commerce grant in the amount of \$24,250 for the creation and installation of a public art project to be located at the Five Mile and Strong Road Round-about. 	
<u>Executive Summary:</u> <ul style="list-style-type: none"> This permit and license allows the Five Mile Prairie to accept the award from the state demonstrating site control for the public art project. The Five Mile Prairie Public Art Sub Committee will consult with the Director of Public Works on the final public art project that will be approved for creation and installation. <p>The completion date for the project is intended to be December 31, 2021.</p>	
<u>Budget Impact:</u> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>If new, specify funding source:</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<u>Operations Impact:</u> <p>Consistent with current operations/policy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Specify changes required: Change to language regarding process and procedure for establishing both a Reserves and Contingency Fund.</p> <p>Known challenges/barriers:</p>	

City of Spokane
Engineering Services
808 W. Spokane Falls Blvd.
Spokane WA 99201

REVOCABLE LICENSE AND PERMIT

This License and Permit, is made by and between the CITY OF SPOKANE, a municipal corporation of the State of Washington, hereinafter "City", and Five Mile Neighborhood Council, a neighborhood council within the meaning of Chapter 4.27 SMC and recognized by the Spokane City Council as such, hereinafter referred to as "Permitee", jointly referred to as "Parties".

WHEREAS, the Washington State Department of Commerce has awarded Permitee a \$24,250 grant for public art to be installed at the Five Mile Roundabout and as a condition of receiving the grant Permitee needs an agreement with the City granting Permitee permission to install and maintain the art in the public right-of-way;

NOW THEREFORE, in consideration of the recitals set forth above, and the terms, conditions, and covenants hereafter the Parties agree as follows:

1. **REVOCABLE PERMIT.** The City hereby grants to Permitee a Revocable License and Permit to use, occupy, and encroach upon the public right-of-way, as shown specifically in Exhibit "A" attached hereto ("Permit Area"). This License and Permit shall and Permitee's use of the Permit Area shall be non-exclusive. Permitee shall not transfer or assign its interests herein without the City's prior written consent, which consent the City will not withhold unreasonably.

2. **PURPOSE.** Permitee, through its officers, employees, contractors and agents, shall have the right to construct, maintain, remove, and repair the public art which is described on Exhibit "B" hereto, consistent with the terms of this Permit. This Permit does not relieve Permitee from its obligation to secure additional permits and bonds as required by the City prior to any work being performed in the public right-of-way.

3. **FEE.** There is no fee associated with this dedication of art to the public.

4. **CONSTRUCTION OF THE PERMITTED ENCROACHMENT.** Permitee shall construct the improvements in accordance with the plans and

specifications which are attached hereto as Exhibit "B", hereinafter "Permitted Encroachment". The Permitted Encroachment shall be: (1) subject to approval by the City's Director of Public Works and Utilities, or his authorized designee ("Director") and (2) designed, built, and maintained so as to not create a hazard to persons or property or violate any City Ordinance or State law; provided, that the Permitted Encroachments shall in all events meet or exceed the minimum standards of all applicable governmental entities. Permittee shall not erect or place any permanent structures or other obstructions in the Permit Area that materially interfere with the public's use of the right-of-way without the prior written consent of the Director.

5. MAINTENANCE OF THE PERMITTED ENCROACHMENT.

(a) Except as otherwise stated herein, Permittee shall restore the Permit Area to the condition in which it was found immediately following any of Permittee's permitted activities hereunder, so that the City and the public shall have the free and unobstructed use of the Permit Area, subject to the rights of Permittee herein provided.

(b) Except as otherwise stated herein, Permittee, upon the initial installation of the Permitted Encroachments, and upon each and every occasion that the same are installed, repaired, maintained, removed and/or replaced, shall restore the Permit Area and the City's surrounding property, if any, and any improvements disturbed, to a condition as they were prior to any such installation or work, including the restoration of any concrete and/or asphalt, to the extent any damage or disturbance of the Permit Area and the City's surrounding property and improvements was caused by Permittee's installation, repair, maintenance, removal and/or replacement of the Permitted Encroachments.

(c) If, in an emergency, it shall become necessary for the City to promptly make any repairs that otherwise would have been the responsibility of the Permittee as defined or set forth herein, or if the Permittee shall fail to adequately repair or maintain the Permitted Encroachments as provided herein, then the City, at its sole option, may proceed forthwith to have the maintenance and/or repairs made and pay the cost thereof, and to receive reimbursement therefore from the Permittee within thirty (30) days after a written request for same; provided, that in no case shall the City be required to perform such maintenance and/or repairs. In such instance, the City shall provide Permittee with oral notification of its intention to make such repairs or the occurrence of such repairs, at the earliest practicable time given the nature and extent of the emergency.

6. HAZARDOUS MATERIALS. Permittee, its successors and assigns, will not discharge, disperse, release, store, treat, generate, dispose of any pollutant or other toxic or hazardous substance, including any solid, liquid, gas,

or thermal irritant or contaminant, acid, chemicals, or wastes onto Permittee's adjacent property, the Permit Area, or City property adjacent to the Permit Area. For the purposes of this Permit, "Hazardous Substance" shall include, but not be limited to, substances defined as "Hazardous Substances," "Hazardous Materials", "Hazardous Waste," "Toxic Substances", in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended, 42 U.S.C. Section 9601 et seq., the Model Toxic Control Act of the State of Washington and all regulations adopted and publications promulgated pursuant to such laws, collectively "Environmental Laws". Permittee (hereafter the indemnifying party), its successors and assigns, shall indemnify and hold the City, its successors and assigns, harmless from and against any and all losses, liabilities (including strict liability), damages, injuries, expenses, and costs including, without limitation, reasonable attorney's fees, of any settlement or judgment and claim of any and every kind whatsoever paid, incurred or suffered by, or asserted against, the City, its successors and assigns by any person or entity or governmental agency, for, with respect to, or as a direct or indirect result of the escape, seepage, leakage, spillage, emission, discharge or release of any Hazardous Substance (as defined herein) resulting from Permittee's use of the Permit Area, including, without limitation, any losses, liabilities (including strict liability), damage, injuries, expenses, and costs, including, without limitation, reasonable attorney's fees, of any settlement or judgment or claims asserted or arising under, as amended, the comprehensive Environmental Responses, compensation and Liability Act, the Superfund Amendment and Reauthorization Act, the Resource Conservation Recovery Act, the Federal Water Pollution Control Act, the Federal Environmental Pesticides Act, the Clean Water Act, any so-called federal, state or local "Superfund" or "Superlien" statute, or any other statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to or imposing liability (including strict liability), or standards of conduct concerning any Hazardous Substance.

7. **SIGNAGE.** The Permitted Encroachment shall not have on its exterior any commercial advertising, reader boards or other signs without the prior written approval of the Director. The City shall have the right, without compensatory payment, to attach to the Permitted Encroachment, any signage that is deemed necessary by the City Traffic Engineer for the safe and expeditious flow of vehicle or pedestrian traffic along the right-of-way.

8. **DURATION.** Unless the City revokes this Permit as provided herein, Permittee may use the Permit Area to construct, maintain, and repair the Permitted Encroachment for a period of fifteen (15) years or for so long as Permittee, its successors or assigns, engages in the activity or occupies the property adjacent to the Permit Area in accordance with present and then-existing City land use (zoning) requirements and complies with this Permit.

9. **INSPECTIONS.** The City reserves the right to access and inspect the Permit Area for any reason, including, without limitation, inspection of its general condition, making or observing construction, maintenance, alteration, and/or repairs of the Permitted Encroachment.

10. **REVOCATION.** If, in sole discretion of the Director, Permittee does not construct, repair, and/or maintain the Permitted Encroachment in accordance with this Permit, or otherwise fails to fulfill any of its obligations under this agreement, City ordinance, or State law, or if the Director otherwise determines, in his or her sole discretion, that Permittee's use of the Permit Area pursuant to this agreement endangers or will endanger the public, the adjoining property or right-of-way, or utilities in the right-of-way, the City may unilaterally revoke this Permit and require Permittee to remove the Permitted Encroachment at Permittee's expense. Further, the City reserves all rights and remedies available at law or in equity. If this Permit is revoked, as provided herein, or through City ordinance, the cost of removal of the Permitted Encroachment shall comprise a lien against Permittee's adjacent property for all costs of removal, including the City's reasonable attorney fees. Permittee shall have the right at any time to remove the Permitted Encroachment from the Permit Area at its own expense. If Permittee elects to remove the Permitted Encroachment from Permit Area, it shall leave the Permit Area and adjacent City land and improvements free and clear of all buildings, structures, or other encroachments. Upon removal of the Permitted Encroachment, as well as all buildings, structures, and encroachments, to the City's satisfaction, Permittee's rights and obligations under this agreement shall cease.

11. **PUBLIC PURPOSE.** In the event the City Council finds that the Permit Area or any part thereof, is needed for public use, including, without limitation, use as public right-of-way, this agreement shall be terminated and declared null and void, and Permittee shall immediately remove therefrom the Permitted Encroachment or any part thereof, within a reasonable period of time, without cost to the City. The City shall be allowed to reoccupy the Permit Area without the payment of compensation or damages to the Permittee, its successors or assigns.

12. **SEVERANCE.** If any portion or provision of this agreement is held invalid by a court, the validity and enforceability of the remainder of this Permit shall not be affected thereby.

13. **NOTICES.** All notices to the City shall be made to:

CITY OF SPOKANE
808 W. Spokane Falls Blvd.
Spokane, WA 99201

and copies to:

City Attorney

City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Notices directed to Permittee shall be made to (or such other individual as Permittee may designate from time to time provided Permittee provides updated contact information to the City):

Craig Busch
President & Art Committee Chair
3527 W Horizon
Spokane WA 99208

14. **TAXES.** Permittee is responsible for and shall pay all real and personal taxes which may be assessed as a result of the rights and privileges granted under this License and Permit, including, without limitation, the Leasehold Excise Tax.

15. **RECORDING.** This License and Permit may be recorded by either party.

16. **HEADINGS.** The headings of the paragraphs contained herein are intended for reference purposes only and shall not be used to interpret the agreements contained herein or the rights granted hereby.

This Agreement is entered into on this ____ day of _____, 20__.

CITY OF SPOKANE

Mayor/City Administrator

Attest:

City Clerk

Approved as to form:

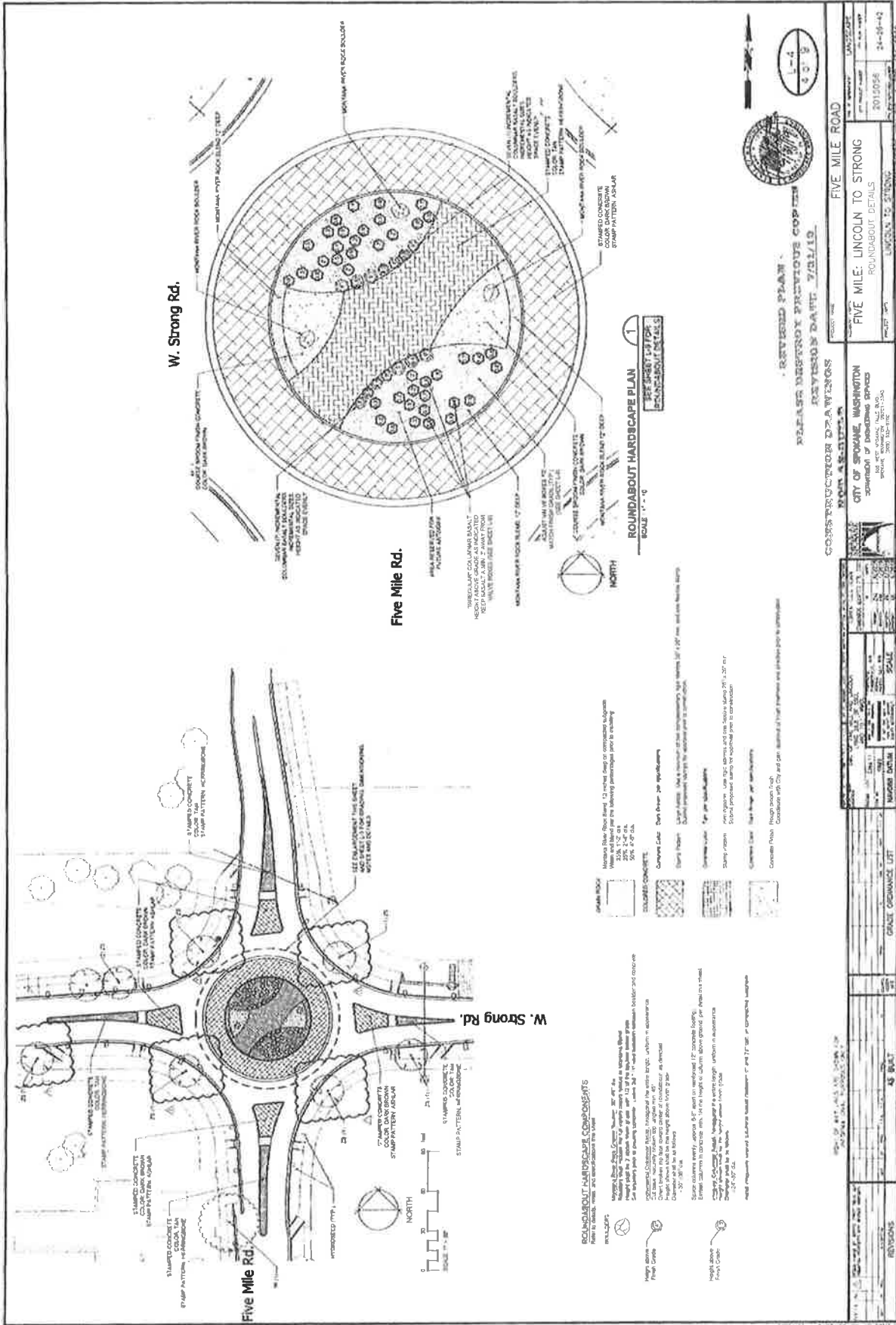
Assistant City Attorney

FIVE MILE NEIGHBORHOOD COUNCIL

By: 
Craig Busch

Its: President & Art Committee Chair

EXHIBIT "A"



[illegible]

Watkins, Kandace

From: Buller, Dan
Sent: Friday, November 08, 2019 8:03 AM
To: Watkins, Kandace; Mumm, Candace
Subject: Follow up on yesterday's afternoon's conversation
Attachments: 38 - 2015056 5MILE LANDSCAPE_L-4_7-31-19_FIVE MILE.pdf; 43 - 2015056 5MILE DETAILS_L-9_7-31-19_FIVE MILE.pdf; 29 - Sealed E-2 LIGHTING.pdf

Kandace/Candace,

Here's some follow up to our conversation yesterday afternoon.

- Yes, we have electrical to the island and on both side of that concrete "path"
- No, we did not install a foundation because we knew neither the size nor the exact position of the art object or objects
- I've sent the drawings so you can forward on to whoever you'd like. These are design drawings which may have changed slightly during construction
- Permitting - while perhaps there should be, because there is so little public art installed in the ROW, there is no catch-all permit process. Instead, there are a couple permits and a couple "bases" to be covered as described below
 - obstruction permit (necessary when you interfere with traffic)
 - electrical permit (if lighting is used for the art piece).
 - while not a formal permit, if we in Engineering were installing this art, we would have a decent sized public input process that would be well documented...whatever is installed is likely to please lots of people and tick off lots of people
 - also, while not a formal permit, the proposed art piece should be reviewed by us here in engineering to make sure there are no more than minimal traffic impacts (you can route that through me)

I think that was all the things I said to research.

Dan

From: Kain, Jeremy <jkain@spokanecity.org>
Sent: Thursday, November 07, 2019 2:57 PM
To: Buller, Dan <dbuller@spokanecity.org>
Subject: 2015056 Five Mile Roundabout Sheets - Landscape & Electrical

Here you go-



Jeremy Kain | City of Spokane | Engineer Tech III Engineering Services
509.625-6507 | fax 509.625.6822 | jkain@spokanecity.org

Exhibit "B"

The public art project will be designed for the site, the Strong and Five Mile Road Round-about, which is accessible and open to the general public and located in the Five Mile Prairie Neighborhood. The City of Spokane did provide for the possibility of a future public art installation at the time of the construction of the round-about.

The artist for the project will be procured through a competitive process (RFP). The artist will be selected based on the creation of a site-specific concept proposal. The RFP will articulate the elements of design and materials that are sought. The Five Mile Prairie Neighborhood Council will consult with the City of Spokane Director of Public Works on a finalist whose concept proposal meets all City Ordinances and State laws.

The proposal awarded would include an art concept where the materials would require little to no ongoing maintenance due to exposure to elements or other factors of an outside art piece – including vandalism and time (material longevity). Other requirements include a project that doesn't create hazards to the public or property in the right of way, nor place the art project in any way that obstructs the public's use of the right of way.

The artist would then fabricate the public art piece for installation at the site. Presenting mock-ups or drawings of the art concept for review. The design details would include material samples or specification sheets for review and approval. Which would include defining the unique fabrication or construction of the art concept. With review, criteria and acceptance procedures of the art concept prior to final fabrication and installation.

The artist will provide as part of the completed project a conservation report of all the materials and processes used should the piece require maintenance or repair by the five Mile Prairie Neighborhood Council during the permit period.



Expenditure Control Form

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3. If request is greater than \$100,000 it requires signatures by Finance and the City Administrator. Finance Dept. will route to City Administrator.

Today's Date:

Type of expenditure:

Goods

Services

Department:

Approving Supervisor:

Amount of Proposed Expenditure:

Funding Source:

Please verify correct funding sources. Please indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

What are the impacts if expenses are deferred?

What alternative resources have been considered?

Description of the goods or service and any additional information?

Person Submitting Form/Contact:

FINANCE SIGNATURE:

CITY ADMINISTRATOR SIGNATURE:

**Agenda Sheet for City Council Meeting of:**

09/28/2020

<u>Date Rec'd</u>	9/14/2020
<u>Clerk's File #</u>	RES 2020-0069
<u>Renews #</u>	
<u>Cross Ref #</u>	

<u>Submitting Dept</u>	PLANNING	<u>Project #</u>	
<u>Contact Name/Phone</u>	CHRIS GREEN 62506194	<u>Bid #</u>	
<u>Contact E-Mail</u>	CGREEN@SPOKANECITY.ORG	<u>Requisition #</u>	
<u>Agenda Item Type</u>	Resolutions		
<u>Agenda Item Name</u>	0650-RESOLUTION SETTING THE ASSESSMENT ROLL HEARING FOR THE DT SPOKANE BID		

Agenda Wording

Resolution setting the assessment roll hearing for the Downtown Spokane business improvement district (BID)

Summary (Background)

To finance the programs authorized in the BID, the City levies an annual special assessment upon the businesses, real properties, multi-family residential, mixed-use projects, hotels, motels, and governmental property. This Resolution provides that the Assessment Roll Hearing shall be held before the City Council at the December 7, 2020 meeting. All ratepayers will be provided notice of assessments and the hearing date and be given an opportunity to make comments and/or objections.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	
Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MEULER, LOUIS	<u>Study Session\Other</u>	10/19/20
<u>Division Director</u>	BECKER, KRIS	<u>Council Sponsor</u>	Will be followed by Council action on an ordinance approving and confirming the assessment roll. The ordinance will be briefed at the October 19, 2020 Sustainable Resources (Finance) Committee.
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>	
<u>Legal</u>	RICHMAN, JAMES	cgreen@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	lmeuler@spokanecity.org	
<u>Additional Approvals</u>		sbishop@spokanecity.org	

<u>Purchasing</u>		mpiccolo@spokanecity.org
		mrichard@downtownspokane.net
		jahensley@spokanecity.org
		ghankhal@downtownspokane.net

RESOLUTION NO. 2020-0069

A RESOLUTION SETTING THE ASSESSMENT ROLL HEARING FOR THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT AREA (BUSINESS IMPROVEMENT DISTRICT – BID) AND PROVIDING NOTICE OF THE 2021 ASSESSMENTS TO BUSINESS AND PROPERTY OWNERS.

WHEREAS, pursuant to the laws of Washington State and City Ordinance C32923, as codified and amended in Chapter 4.31 SMC, the City Council intends to hold a hearing on the assessments levied upon businesses and properties within the Downtown Parking and Business Improvement Area (PBIA); and

WHEREAS, through this Resolution, the City Council intends to provide notice that there will be a hearing upon the assessment roll prepared under the above- identified Ordinance.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE SPOKANE CITY COUNCIL:

1. Notice is hereby given that the assessment rolls for businesses and properties prepared under Ordinance C32923, as codified and amended in Chapter 4.31 SMC, will be on file in the Office of the City Clerk on November 6, 2020, and are open for public inspection.
2. The City Council has fixed December 7, 2020 at 6:00 p.m., or as soon thereafter as practicable in the City Council Chambers of the Municipal Building, W. 808 Spokane Falls Blvd., Spokane, Washington, as the time and place for hearing upon said assessment rolls.
3. The City Council declares its intent to impose special assessment in a manner that measures special benefits from each of the purposes set forth in Ordinance C32923, as codified and amended in Chapter 4.31 SMC. The special assessments will finance the PBIA (BID) budgets and programs approved by the City Council.
4. All persons who may desire to object to the assessment roll shall make their objections in writing and file them with the City Clerk at or prior to the date fixed for hearing.

At the time and place fixed, and at such other times as the hearing may be continued to, the City Council will consider the assessment roll as a board of equalization for the purpose of considering objections or comments made thereto, or any part thereof, and may correct, revise, raise, lower, change or modify such roll, or any part thereof, or

set aside such roll and order that such assessment be made de novo, or take such other action as the circumstances may warrant, including confirmation of the assessment rolls.

This is the only hearing held on the assessment roll, and it will be final unless appealed according to Chapter 4.31 SMC.

5. The City's Finance and Administration Department is directed to mail, at least fifteen days before the date fixed for hearing, a notice to the business and property owners identified in the assessment rolls setting forth the date and time of public hearing, including the amount of special assessment.
6. The City clerk is directed to publish notice of the hearing on the assessment rolls in the Official Gazette for two consecutive weeks, the last publication being fifteen days before the date fixed for public hearing.

ADOPTED by the City Council this ____ day of September, 2020.

City Clerk

Approved as to form:

Assistant City Attorney



Expenditure Control Form

1. All requests being made must be accompanied by this form.
2. Route **ALL** requests to the Finance Department for signature.
3. If request is greater than \$100,000 it requires signatures by Finance and the City Administrator. Finance Dept. will route to City Administrator.

Today's Date:

Type of expenditure:

Goods

Services

Department:

Approving Supervisor:

Amount of Proposed Expenditure:

Funding Source:

Please verify correct funding sources. Please indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

What are the impacts if expenses are deferred?

What alternative resources have been considered?

Description of the goods or service and any additional information?

Person Submitting Form/Contact:

FINANCE SIGNATURE:

CITY ADMINISTRATOR SIGNATURE:

**Agenda Sheet for City Council Meeting of:**

09/28/2020

Date Rec'd

9/14/2020

Clerk's File #

RES 2020-0070

Renews #Submitting Dept

PLANNING

Cross Ref #Contact Name/Phone

CHRIS GREEN 625-6194

Project #Contact E-Mail

CGREEN@SPOKANECITY.ORG

Bid #Agenda Item Type

Resolutions

Requisition #Agenda Item Name

0650-RESOLUTION SETTING ASSESSMENT ROLL HEARING FOR THE EAST SPRAGUE BID

Agenda Wording

A resolution setting the assessment roll hearing for the East Sprague Business Improvement District (BID) and providing notice of the 2021 assessment to business and property owners.

Summary (Background)

To finance the programs authorized in the BID, the City levies an annual special assessment upon businesses, real properties, multi-family residential, and mixed-use projects within the district. This Resolution provides that the Assessment Roll Hearing shall be held before the City Council at the December 7, 2020 meeting. All ratepayers will be provided notice of assessments and the hearing date and be given an opportunity to make comments and/or objections.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil Notifications**Dept Head**

MEULER, LOUIS

Study Session\Other

10/19/20

Division Director

BECKER, KRIS

Council Sponsor

Will be followed by Council action on an ordinance approving and confirming the assessment roll. The ordinance will be briefed at the October 19, 2020 Sustainable Resources (Finance) Committee.

Finance

ORLOB, KIMBERLY

Distribution List**Legal**

RICHMAN, JAMES

cgreen@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

lmeuler@spokanecity.org

Additional Approvals

mpiccolo@spokanecity.org

<u>Purchasing</u>		sbishop@spokanecity.org
		jahensley@spokanecity.org
		ghankhal@downtownspokane.net
		mrichard@downtownspokane.net

RESOLUTION NO. 2020-0070

A RESOLUTION SETTING THE ASSESSMENT ROLL HEARING FOR THE EAST SPRAGUE PARKING AND BUSINESS IMPROVEMENT AREA (BUSINESS IMPROVEMENT DISTRICT – BID) AND PROVIDING NOTICE OF THE 2021 ASSESSMENTS TO BUSINESS AND PROPERTY OWNERS.

WHEREAS, pursuant to the laws of Washington State and City Ordinance C35377, as codified and amended in Chapter 4.31C SMC, the City Council intends to hold a hearing on the assessments levied upon businesses and properties within the East Sprague Parking and Business Improvement Area (PBIA); and

WHEREAS, through this Resolution, the City Council intends to provide notice that there will be a hearing upon the assessment roll prepared under the above- identified Ordinance.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE SPOKANE CITY COUNCIL:

1. Notice is hereby given that the assessment rolls for businesses and properties prepared under Ordinance C35377, as codified and amended in Chapter 4.31C SMC, will be on file in the Office of the City Clerk on November 6, 2020, and are open for public inspection.
2. The City Council has fixed December 7, 2020 at 6:00 p.m., or as soon thereafter as practicable in the City Council Chambers of the Municipal Building, W. 808 Spokane Falls Blvd., Spokane, Washington, as the time and place for hearing upon said assessment rolls.
3. The City Council declares its intent to impose special assessment in a manner that measures special benefits from each of the purposes set forth in Ordinance C35377, as codified and amended in Chapter 4.31C SMC. The special assessments will finance the PBIA (BID) budgets and programs approved by the City Council.
4. All persons who may desire to object to the assessment roll shall make their objections in writing and file them with the City Clerk at or prior to the date fixed for hearing.

At the time and place fixed, and at such other times as the hearing may be continued to, the City Council will consider the assessment roll as a board of equalization for the purpose of considering objections or comments made thereto, or any part thereof,

and may correct, revise, raise, lower, change or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made de novo, or take such other action as the circumstances may warrant, including confirmation of the assessment rolls.

This is the only hearing held on the assessment roll, and it will be final unless appealed according to City Ordinance C35377, as codified and amended in Chapter 4.31C SMC.

5. The City's Finance and Administration Department is directed to mail, at least fifteen days before the date fixed for hearing, a notice to the business and property owners identified in the assessment rolls setting forth the date and time of public hearing, including the amount of special assessment.
6. The City clerk is directed to publish notice of the hearing on the assessment rolls in the Official Gazette for two consecutive weeks, the last publication being fifteen days before the date fixed for public hearing.

ADOPTED by the City Council this ____ day of September 2020.

City Clerk

Approved as to form:

Assistant City Attorney



Expenditure Control Form

1. All requests being made must be accompanied by this form.
2. Route **ALL** requests to the Finance Department for signature.
3. If request is greater than \$100,000 it requires signatures by Finance and the City Administrator. Finance Dept. will route to City Administrator.

Today's Date:

Type of expenditure:

Goods

☐

Services

☐

Department: N/A

Approving Supervisor: N/A

Amount of Proposed Expenditure: N/A

Funding Source: N/A

Please verify correct funding sources. Please indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

What are the impacts if expenses are deferred?

What alternative resources have been considered?

Description of the goods or service and any additional information?

Person Submitting Form/Contact:

FINANCE SIGNATURE:

CITY ADMINISTRATOR SIGNATURE:



Agenda Sheet for City Council Meeting of:
09/28/2020

Date Rec'd	9/16/2020
Clerk's File #	ORD C35947
Renews #	
Cross Ref #	RES 2020-0063
Project #	
Bid #	
Requisition #	

Submitting Dept	DEVELOPER SERVICES CENTER
Contact Name/Phone	ELDON BROWN 625-6305
Contact E-Mail	EBROWN@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	4700 - ALLEY- JULIA-CENTRAL STREET VACATION

Agenda Wording

Vacation of the alley between Bismark Avenue and Central Avenue, from the east line of Sycamore Street to the west line of Julia Street, as requested by Thomas Kosteletzky

Summary (Background)

At its legislative session held on August 31, 2020, the City Council set a hearing on the above vacation for September 28, 2020 Staff has solicited responses from all concerned parties.

<u>Fiscal Impact</u>	Grant related? NO Public Works? NO	<u>Budget Account</u>	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	WEST, JACQUE	<u>Study Session\Other</u>	UE 08/17/2020
<u>Division Director</u>	WEST, JACQUE	<u>Council Sponsor</u>	CP Beggs
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>	
<u>Legal</u>	RICHMAN, JAMES	kbecker@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	edjohnson@spokanecity.org	
<u>Additional Approvals</u>		mvanderkamp@spokanecity.org	
<u>Purchasing</u>		ebrown@spokanecity.org	

City of Spokane
Planning & Development Services
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6700

ORDINANCE NO. C35947

An ordinance vacating the alley between Bismark Avenue and Central Avenue, from the east line of Sycamore Street to the west line of Julia Street

WHEREAS, a petition for the vacation of the alley between Bismark Avenue and Central Avenue, from the east line of Sycamore Street to the west line of Julia Street has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

WHEREAS, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That the alley between Bismark Avenue and Central Avenue, from the east line of Sycamore Street to the west line of Julia Street in the Northeast quarter of Section 34, Township 26 North, Range 43 East, Willamette Meridian, is hereby vacated. Parcel number not assigned.

Section 2. An easement is reserved and retained over and through the entire vacated area for the utility services of Avista Utilities, CenturyLink, and Comcast to protect existing and future utilities.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____

P2003824VACA

N Sycamore St

N Julia St

E Bismark Ave

E Central Ave

0 30 60 90 Feet



Right-of-way Description:
The alley between Bismark and Central
From Sycamore to Julia

Legend

 vacation

THIS IS NOT A LEGAL DOCUMENT:
The information shown on this map is compiled
from various sources and is subject to constant
revision. Information shown on this map should
not be used to determine the location of facilities
in relationship to property lines, section lines,
streets, etc.





CITY OF SPOKANE DEVELOPMENT SERVICES

808 West Spokane Falls Blvd, Spokane WA 99201-3343
(509) 625-6300 FAX (509) 625-6822

STREET VACATION REPORT September 8, 2020

LOCATION: Alley between Bismark and Central, from Sycamore to Julia

PROPONENT: Thomas Kostelecky

PURPOSE: Site development

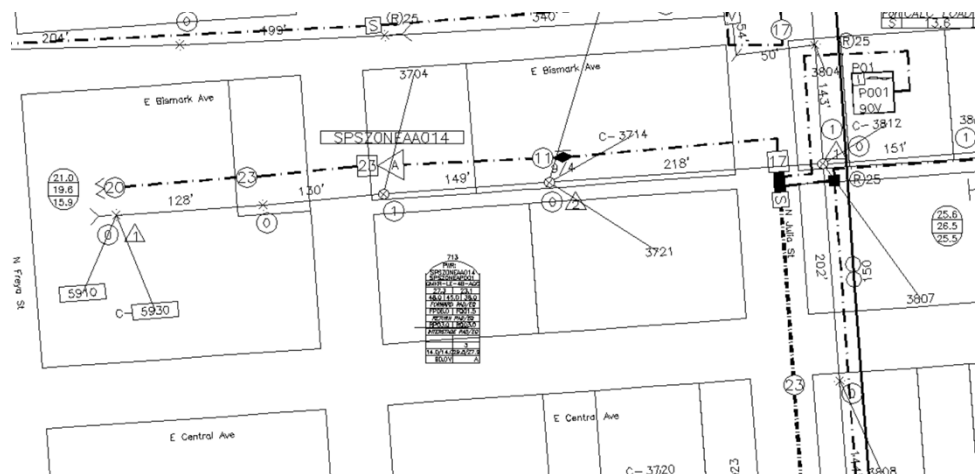
HEARING: September 28, 2020

REPORTS:

AVISTA UTILITIES – Avista does have overhead electric facilities in the Bismark-Central Alley to be vacated and therefore requests an easement be reserved for those facilities

INLAND POWER & LIGHT – Inland Power & Light has no facilities within the proposed vacation area.

COMCAST – Comcast has reviewed the vacation request. Enclosed is a map showing our Coax in the area. We would just need access to our plant. Other than that, Comcast has no objection to the vacation.



CENTURYLINK – CenturyLink has cable facilities in the Alley right of way to be vacated and would like to retain easements rights within the vacating ordinance. These rights should provide for maintenance, construction and reconstruction as needed.

XO COMM/VERIZON – XO Communications/Verizon does not have any facilities in this area.

ZAYO COMMUNICATIONS – Zayo has no comment and or objection to this requested vacation.

ASSET MANAGEMENT - CAPITAL PROGRAMS – No comments

FIRE DEPARTMENT – Fire has no concerns with this vacation request.

NEIGHBORHOOD SERVICES - No comments

PARKS DEPARTMENT - No comments

PLANNING & DEVELOPMENT – DEVELOPER SERVICES - No comments

PLANNING & DEVELOPMENT – TRAFFIC DESIGN – No comments

PLANNING & DEVELOPMENT – PLANNING – No concerns

POLICE DEPARTMENT - No comments

SOLID WASTE MANAGEMENT – Solid Waste has no concerns with this request.

STREET DEPARTMENT - No comments

WASTEWATER MANAGEMENT - Wastewater Management has no assets in the proposed vacation area. Therefore, provided on site runoff be maintained and treated on site, we have no objections to the vacation.

WATER DEPARTMENT - No comments

BICYCLE ADVISORY BOARD - No comments

RECOMMENDATION: That the petition be granted and a vacating ordinance be prepared subject to the following conditions:

1. An easement as requested by Century Link, Avista Utilities, and Comcast shall be retained to protect existing and future utilities.

2. That no compensation for the assessed value of the area herein vacated shall be required by virtue of the previous version of the non-user statute (RCW 36.87.090) which vacated Rosewood Avenue by operation of law many years ago as recommended by City Staff.

Eldon Brown, P.E.
Principal Engineer – Planning & Development

A handwritten signature in black ink, appearing to read "Eldon W. Brown". The signature is written in a cursive, flowing style.



Expenditure Control Form

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Today's Date:

Type of expenditure:

Goods

Services

Department:

Approving Supervisor:

Amount of Proposed Expenditure:

Funding Source:

Please verify correct funding sources. Please indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

What are the impacts if expenses are deferred?

What alternative resources have been considered?

Description of the goods or service and any additional information?

Person Submitting Form/Contact:

FINANCE SIGNATURE:

CITY ADMINISTRATOR SIGNATURE:
